

pre-9/11 mentality of treating the war on terror as simply another law enforcement action, treating it as another criminal prosecution just such as any other criminal prosecution that occurs on a regular basis in our State and Federal courts. The dangers of doing so mean we will have lapsed back into those perhaps happier times but the blissful ignorance those happier times produced.

We are at war. We have an enemy that continues to try to explore our vulnerabilities. And as we know from the recently disrupted plot emanating out of London, al-Qaida and our enemies continue to try to find vulnerabilities that will allow them to hit us here at home. It is absolutely essential that we live up to our responsibilities as elected representatives of the American people to maintain the safety and security of those people by making sure we meet the obligations imposed upon Congress and the Federal Government by the U.S. Supreme Court and that we provide basic rights as dictated by the Court in the Hamdan decision. But it is not appropriate that we tie the hands of our military commanders, that we perhaps undermine our ability to prosecute and win this war on terror and keep America safe by treating this war on terror and the appellate rights of detainees in a way that makes it harder for us to keep America safe.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF FRANCISCO AUGUSTO BESOSA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the hour of 5:20 p.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 920, which the clerk will report.

The legislative clerk read the nomination of Francisco Augusto Besosa, of Puerto Rico, to be a United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. Under the previous order, the time until 5:30

p.m. shall be equally divided between the chairman and ranking member of the Judiciary Committee. The chairman is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Francisco Augusto Besosa to be a district court judge for the District of Puerto Rico.

Mr. Besosa comes before the Senate with an impressive record. He received his Bachelor's degree from Brown University in 1971 and his law degree from Georgetown University Law Center in 1979. Prior to attending law school, he served as an intelligence officer in the U.S. Army and was awarded the Meritorious Service Medal.

Mr. Besosa has had a distinguished career as a practicing lawyer in Puerto Rico. He has spent 70 percent of his time practicing in the Federal courts, with the balance in the State courts. His principal occupation has been in the civil field, and he has had considerable trial practice. Mr. Besosa is currently a partner in the law firm of Absuar Muniz Goyco and Besosa, a firm he joined in 1994. The American Bar Association has rated Mr. Besosa "well qualified."

Mr. Besosa was passed out of the Judiciary Committee unanimously. I am pleased in my capacity as chairman of the committee to recommend him to my colleagues for confirmation.

Mr. LEAHY. Mr. President, today, as we begin the last week of this legislative session, the Senate considers the nomination of Francisco Augusto Besosa for a lifetime appointment to the U.S. District Court for the District of Puerto Rico. Mr. Besosa's nomination was reported unanimously to the Judiciary Committee on Thursday of last week.

Last week the Judiciary Committee held two business meetings dedicated to judicial nominations. I want to thank all Senators for working with us to expedite consideration of nominations like that of Mr. Besosa. I cooperated last Tuesday with the Chairman's request for a Special Executive Business Meeting. I came to the meeting and established the quorum. The Chairman had said that the meeting would be held to burn holds on two non-controversial circuit court nominees. I agreed to try to expedite consideration of the nomination of Kent Jordan, a nominee to the Third Circuit. Peter Keisler's nomination to the D.C. Circuit is, however, by no means non-controversial. Nonetheless, in an effort to work with the Chairman I stayed and the Republicans held over the Keisler nomination, as well.

Then, although we had not discussed either in advance, in order to be accommodating, I did not object when, at the request of Senator GRASSLEY and Senator DEWINE, the nominations of John Alfred Jarvey and Sara Elizabeth Lioi were also held over. Those nominations will now be reviewed and available for consideration by the Com-

mittee later this week in accordance with the rules of the Committee.

Mr. Besosa's nomination was unanimously reported at our regular Thursday business meeting. In addition, we reported a number of other judicial nominations, including one for a judicial emergency vacancy that was given expedited consideration. I thank the Chairman for his kind words in which he acknowledged our cooperation.

The Democratic Senators on the Committee have worked hard to accommodating the Chairman's demanding schedule. The Chairman has already held three hearings during the last three weeks and has another scheduled for this week, in addition to another special business meeting. We have held 18 judicial nominations hearings this year, including a Supreme Court hearing, as well as two additional executive nominations hearings.

I have been saying for some time that I feared we would sacrifice progress on nominations that can be moved for debate on controversial nominations. It appears that my fears will be realized this week. This Wednesday afternoon and evening, a hearing on the highly controversial nomination of Michael Wallace to the Fifth Circuit has been noticed and re-noticed. As the times have changed, it has become even less likely that it will be helpful or productive during this extremely busy time of year. Of course, Mr. Wallace is the first appellate court nominee in 25 years to have been rated unanimously not qualified by the ABA peer review committee.

After today, the Senate will have confirmed 31 judicial nominees this year. The Republican Senate confirmed only 17 of President Clinton's judicial nominees in the 1996 session. The Senate has confirmed seven circuit court nominees, which is seven more than the Republican Senate confirmed with a Democratic President during the 1996 session. That year, Republicans would not consider or confirm a single appellate court nomination for an entire year-long session of the Senate, not one.

This is a far cry from the days when the Republican Congress pocket filibustered more than 60 of President Clinton's nominees, refusing even to bring them up for a vote in Committee. Of course, during the 17 months that I was Chairman, we were able to confirm 100 of President Bush's nominees. In 20 months of Republican control, with a Republican President, even counting Mr. Besosa's confirmation today, that number will stand at about half that—just 53.

We could have accomplished more this year if the White House had sent over consensus nominees early in the year. The White House did not. Many of the nominees we are now trying to consider now were not even nominated until July. Regrettably, the administration concentrated on a few highly controversial nominees and delayed until recently sending nominations and

thereby prevented us from having the time to do any meaningful review. We are now in the position of trying to rush through too many nominees too quickly for us to give them real consideration.

The White House continues to undermine our process. Instead of working with us and focusing on consensus nominees, the President sent back to us five highly controversial nominees who had been returned to the White House. Sadly, the Senate Republican leadership, which has rubberstamped a number of very poor nominations, may force us to spend time and energy debating troublesome nominations, rather than reviewing and confirming good ones.

We have been accommodating, and we will continue to be, but the Judiciary Committee and the Senate should not be a rubber stamp for the President's nominations. We should be taking our constitutional responsibility to advise and consent seriously. That means carefully reviewing the nominees' records and making sure that these are appropriate nominees for lifetime appointments to important Federal judgeships.

A customary practice in the Senate would have been for the leaders, the Republican and Democratic leaders, to have sat down with the Chairman and the Ranking Member by now and have worked out a process to conclude the year with respect to judicial nominations. I would have urged that we concentrate on completing our work on those nominations most likely to be confirmed and to maximize the number of confirmations. Sadly, that meeting has not occurred and apparently will not.

I congratulate Francisco Besosa and his family on his confirmation today.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN),

the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 253 Ex.]

YEAS—87

Alexander	Dorgan	McConnell
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Bennett	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Frist	Obama
Bunning	Graham	Pryor
Burns	Grassley	Reed
Burr	Gregg	Reid
Byrd	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hutchison	Salazar
Chafee	Inhofe	Sarbanes
Chambliss	Isakson	Schumer
Clinton	Jeffords	Sessions
Coburn	Johnson	Shelby
Cochran	Kennedy	Smith
Coleman	Kerry	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Stabenow
Cornyn	Lautenberg	Stevens
Craig	Leahy	Sununu
Crapo	Levin	Talent
Dayton	Lieberman	Thomas
DeMint	Lincoln	Thune
Dodd	Lott	Voinovich
Dole	Lugar	Warner
Domenici	Martinez	Wyden

NOT VOTING—13

Akaka	DeWine	Menendez
Baucus	Hatch	Santorum
Bayh	Inouye	Vitter
Biden	Kohl	
Brownback	McCain	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MARTINEZ). The President will be immediately notified of the Senate's action.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS NICHOLAS A. MADARAS

Mr. LIEBERMAN. Mr. President, I wish to pay tribute to PFC Nicholas A. Madaras, U.S. Army, of Wilton, CT.

While in Boqouba, Iraq, with the 168th Combined Arms Battalion, 3rd Brigade Combat Team, 4th Infantry Division, Private Madaras died on September 3, 2006, of injuries he sustained when an improvised explosive device detonated near his dismounted patrol.

He is remembered by those who knew him in the community as a leader on the soccer field, a sharp and focused student, a quiet but intense warrior, and as a caring and creative young man. He is remembered by his comrades as a good-humored soldier in a league of extraordinary heroes, mature beyond his years. Described as having tremendous potential with a heart of courage, he caused many to wonder why he had interrupted a promising education and chose the Army instead. Feeling uncomfortable just watching others serve, he responded to them that he was compelled to do his part for his country.

Private Madaras epitomizes the American spirit which permeates our great Nation. Living as a true patriot and defender of our principles of freedom and justice, he consistently put others ahead of himself. While I am saddened by his loss, I am also both proud and grateful that we have the kind of fighting force exemplified by Private Madaras serving in our Armed Forces.

Our Nation extends its heartfelt sympathy to his family. I offer my condolences to his father William, to his mother Shalini, to his sister Marie, and to his brother Christopher. We extend our appreciation for sharing this outstanding soldier with us, and we offer our prayers and support.

SUCCESSFUL NEW MEXICO PROGRAMS

Mr. DOMENICI. Mr. President, I rise today to discuss some successful Department of Defense and Department of Homeland Security programs created in my home State of New Mexico.

One project, the foreign language translator, is a hands-free, voice-activated translator that allows troops to speak English phrases that are automatically broadcast in Arabic. The electronics for the translator are built by Crane Corporation of Albuquerque, NM and Laguna Industries assembles and tests the units in Cibola County, NM. I secured \$1.4 million for this project in fiscal year 2005 Department of Defense funding, and its usefulness was highlighted in a June 19 Forbes article which quoted a Coast Guardsman as saying the device is the best interpreting tool available to date.

Another project, the National Infrastructure Simulation and Analysis Center, or NISAC, is a joint Sandia/Los Alamos National Laboratories initiative that was created in 2000. NISAC studies critical infrastructure and models the effects of a potential terrorist attack on such infrastructure. This work has proven invaluable to our Nation. NISAC accurately predicted